

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

IN RE:

EAGLE PROPERTIES AND
INVESTMENTS, LLC,

Debtor(s).

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:
: Case No. 23-10566-KHK
:
: Chapter 7
:
:

BANK OF CLARKE'S RESPONSE
TO THE MOTION FOR TRUSTEE TO SELL PROPERTY FREE AND CLEAR OF LIENS

Now comes Bank of Clarke, by and through counsel, and respectfully submits this Response and Reservation of Rights with respect to the *Chapter 7 Trustee's Motion to Approve Sale of 1635 Church Road, Hershey, PA Free and Clear of Lis Pendens* [Doc. #460] (the "Motion"), and states as follows:

1. As set forth in the Motion, the Debtor is the record owner of real property located at 1635 Church Road, Hershey, PA 17033 (the "Property").
2. On or about July 29, 2021, the Debtor executed a Deed of Trust, whereby the Debtor granted Bank of Clarke a deed of trust on the Real Property in the principal amount of two hundred seventy-two thousand dollars (\$272,000.00). As set for the Proof of Claim #17, filed herein, the amount owed on the petition date on the promissory note secured by the Deed of Trust was \$262,430.78, with interest and fees continuing to accrue. As of May 29, 2024, the payoff amount is \$268,020.85, with interest and fees accruing.
3. No payments have been received by Bank of Clarke on the promissory note secured by the Deed of Trust since March 12, 2024. In addition, as set forth in the Motion, there are outstanding real estate taxes owed on the Property.

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Counsel for Bank of Clarke

4. Bank of Clarke strongly supports the Trustee's sale of the Property in accordance with the terms of the Sales Contract (the "Contract") attached to the Motion. Bank of Clarke acknowledges that the sales price set forth in the Contract would more than satisfy the debt owed in connection with the Deed of Trust. To that end, Bank of Clarke supports the Trustee's request for approval to sell the Property in accordance with the Contract, provided that Bank of Clarke is paid in full at closing. Bank of Clarke requests that any order entered in connection with the Motion provide for payment in full of the amount due and owing to Bank of Clarke on the debt secured by the Property through the date of closing.

WHEREFORE, Bank of Clarke, by counsel, supports the Chapter 7 Trustee's Motion to Approve Sale of 1635 Church Road, Hershey, PA Free and Clear of Lis Pendens as set forth herein, and reserves its right to respond to any additional requests to sell any assets by any party, and requests such other relief as may be appropriate.

Dated: May 30, 2024

Respectfully Submitted,

**BANK OF CLARKE
By Counsel**

By: /s/ Hannah W. Hutman
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CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of May, 2024, a true copy of the foregoing Response was electronically transmitted to parties receiving notice in this case via CM/ECF, including: Dylan G. Trache, counsel for H. Jason Gold, Chapter 7 Trustee, and the Office of the U.S. Trustee.

/s/ Hannah W. Hutman
Hannah W. Hutman